Public Access to Government Information and Information Literacy Training as Basic Human Rights

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Abstract

One of the key critical success factors for a stable democracy is an informed and empowered citizenry. A more formal way of saying this is to proclaim that public information is a *strategic resource* needed at all levels of society, by all people, and in all walks of life. This paper examines the philosophical concept of why public access to government information should be considered a basic human right, why minimal information literacy skills are necessary to exploit that strategic resource, and why the acquisition of those skills by all citizens should also be treated as a basic human right. The two ideas are essentially an ends and a means. In short, an end (public access to government information), however worthy, but without the means to realize it (information literacy skills) might as well be no end at all.

INTRODUCTION

Setting aside for the moment for the related issues of secrecy, privacy, confidentiality, and censorship, Government information, in both developed and developing countries, is usually much more easily and equitably available and accessible to the public than is privately held information. Until the Enron, Arthur Andersen, WorldCom and related scandals in the United States, the author was inclined to say that the reason for this is that businesses are neither legally nor ethically required to disclose private information they hold. Notwithstanding the Enron, Arthur Andersen, WorldCom and related debacles, that principle still stands. Nor are academic institutions, hospitals and health institutions, or foundations, associations, or other kinds of not-for-profit organizations required to disclose their information. But the author asserts that, by contrast, governments serve the people, and, therefore, the information governments hold, public information, belongs to the people, not to the government. As the custodian of that information, governments are obliged to make information equitably and conveniently accessible by the public. However, despite the precepts embodied in the United Nation's Human Rights Convention, across the world the laws, policies, practices, and conventions followed by individual governments in this respect vary widely.

Very few nations consider public access to government information as a basic human right. On the contrary, their national policies and laws seem to go in the opposite direction. A few more countries consider public access to be a privilege, but not a basic right. And very, very few nations see the close connection between information literacy skills and the ability of an enlightened citizenry to find, retrieve, organize, interpret, evaluate, and use that information for their personal, family, business, professional, and other purposes. Rather, they seem to take the position that learning the necessary skills to use the computer and find information needed, especially online information, is exclusively the burden of individual citizens.

1. THE CENTRAL ISSUES IN GENERAL TERMS

Let me start this paper with some general observations that attempt to "make the case" in general ("layman") terms for why public access to government information should come to regarded as a public right, and why minimal information literacy skills are essential to enabling and empowering a nation's individuals, organizations, and institutions to exploit the full benefits and values of that right.

I believe that the *public information resources* that are created by all levels of any nation's government—whether central/national, provincial, and local community—are increasingly coming to be regarded as a ***strategic national asset to every country,*** although only in a very few countries, and only very rarely, are those words used to describe what is actually happening. There is a lot of rhetoric, in short, but little matching reality. The two key questions are why is this assertion viable, and how can it be realized?

I'll use the term "public information resources" in this paper to mean government information that is not otherwise restricted from public disclosure because of various laws such as those relating to national security (secrecy), privacy, confidentiality, trade and business secrets, and so forth. Not all public information resources are therefore necessarily *in the public domain*. A particular item of government information, for example, may be subject to various restrictions before it can be released. And some information may never be releasable. The current debate going on in several countries as to whether government agencies should purge their publicly available online Web sites of information on the grounds that it could be of value to terrorists is a good example.

Public information resources are no less important to a nation's economic and social livelihood than are its human, financial, capital, and natural resources. Many argue that next to its human resources, information resources are the next most critical resource to society, and that is why we often hear the observation that we are moving into an Information Society. However, exploiting the full potential benefits and values of this strategic information resource has not been given top-level national focus, attention, and support by most governments of the world. Singapore, and a very few other countries, may be exceptions.

Diffusing government's knowledge resources efficiently and effectively to all of a country's citizens is essential to:

- sustaining the competitive competency of the country's businesses and industries, in both domestic and global marketplaces, not only for large multi-national global enterprises, but especially for small and medium-size enterprises;

- attaining the highest levels of educational excellence for all the nation's children and adults in a lifelong learning context;

- enabling citizens to participate more effectively in all facets of a democratic society, especially in the governance activities of their government, such as voting and elections;

- informing public officials at all levels of government so that they can enact better laws, formulate and enact enlightened public policies, monitor the programs they authorize effectively, and govern fairly, equitably, and wisely; and

- enhancing the quality of life of all a country's citizens, including responding to the special government information needs of disadvantaged and disabled individuals.

In short, *government's data, information, and knowledge resources are a critical national asset that must be exploited to the fullest extent*, much the same as nation-states do when they "discover" a valuable natural resource, such as mineral or energy deposits. Simply providing a legal framework for a citizen to exercise his or her rights to access government information, on a case by case basis, in what is mostly the country's judicial system, and in oftentimes quite adversarial proceedings, or passively exhorting government agencies to disseminate

information to the country's citizens, are profoundly inadequate constructs, in my view, for exploiting the knowledge reservoirs possessed by the country's government at all levels.

Diffusing a government's knowledge holdings proactively, broadly, and pervasively throughout all sectors of the country's economy and the society, and to the furthermost reaches of the land, and to the lowest levels of society, for the benefit of all citizens, is a positive social and moral construct. It is therefore not surprising that unscrupulous totalitarian regimes try to suppress the maximum amount of government information they share with their citizens. Their citizenry therefore remains relatively ill informed, or even worse, misinformed or disinformed, because people are only given the information that the regime wants to divulge. Is it any wonder citizens of these countries cower in a continual state of distrust and mistrust.

But simply affirming that its public information resources are a critical resource is not enough, especially in the Internet Age. Information literacy is the other key missing ingredient. Unless individuals, organizations, and institutions, both public and private, know when they need information, know where to find it, know how to find it, know how to evaluate it, know how to retrieve and organize it, and then, most importantly, know how to use it for the purposes they began with, they are much like King Midas. That is to say, they know the "gold" (the information) is there, they can even "see" it (e.g. on the computer screen), they may be able to touch it in a library or a book store, but they have never learn how to use that "gold" for their personal, family, or business goals. The information is, in short, what is sometimes called by the economist an "unearning asset."

1.1 The Paradigm Shifts

Why is the need to deal with public information resources as a basic citizen right "suddenly" becoming important? To play the devil's advocate, have the underlying reasons not always been with us? I would answer, "not necessarily." There are some paradigm shifts that are gradually but inexorably bringing the underlying issues to the surface. Here are some of these key paradigms.

Paradigm Shift 1

Information content is increasingly being severed from its original or source information context (conduit or container), thereby greatly exacerbating the problems of understanding its full meaning and significance because its context (or provenance as the historian, archivist or scientist would say) has been lost, attributing the information correctly to its true source and origin is sometimes impossible, and therefore evaluating its credibility and authenticity is extremely difficult; metaphorically speaking, "information orphans" are increasingly being created with substantial burdens and costs to information users.

More and more information is being put into online databases from which very specific information items may be searched for and retrieved "on demand," and "just in time" more and more often through the Internet. The traditional and conventional way to organizing large quantities of related information was to organize it all into bibliographic systems, filing

systems, record keeping systems, document collections, and publication depositories, which were often date based, function based, subject-matter based, author based etc., and which would be revised and updated, but often infrequently.

But these conventional information system architectures are difficult to cross-search and retrieve from because they are organized, indexed, searched, and mined in widely different ways. This has sometimes been referred to in the literature as the "stovepipe" phenomenon—that is, developed and organized as vertical systems with considerable vertical searchability, but with little or no horizontal (cross system) search capability. Moreover, even if several items from different systems and files were located, it was often impractical or even impossible to earmark ("bookmark" to use a traditional library term that has been carried into the electronic era) items located in different systems into the same integrated "retrievable capsule."

Online databases change all of that. Now, many different information items from many different "vertical" information files or systems can be efficiently and effectively cross-searched and retrieved, and then viewed, downloaded or otherwise customized for delivery in whatever medium(s) or format(s) the user requires, when needed, and economically. However, one "hidden" price that is paid is that the retrieved material is often retrieved without a clear indication as to its source, and origin. In short, its context has been lost. Then, when that same item is re-used, recommunicated, or published, say in an official government document, the author cannot ascertain its authenticity and attest to its reliability, if challenged.

For each of the paradigm shifts this paper addresses, we shall first address "The Myth," which is to say the popular belief that the author believes is either misplaced, or at least debatable. Then the author posits "The Reality," meaning a restatement of the core issue, but in more realistic and carefully crafted terms. Lastly, under the heading "Debunking the Myth," the author prescribes how attempts to perpetuate the myth can be prevented.

- **The Myth**: Information content, and its source or origin (and therefore context), are always inseparable, and users can always easily discern and verify the authenticity of the source, as well as understand the context in which the information originally reposed.

- **The Reality**: There is an increasing danger as more and more information is organized in the form of online databases to facilitate its searchability, cross-indexability, and retrievability, that the original source and origin from whence the information came becomes increasingly difficult to verify, thus creating the problem of attesting to the authenticity and official status of an information item that has been orphaned from its parent.

- **Debunking the Myth:** New technical information attribution concepts and technologies, such as the Unique Object Identifier, offer the promise of "automatically" imprinting information so that its source, origin, and context are not lost when the information is removed from its original locus. However, these

developments will require strong standards and policy support and meanwhile the problem will continue to exacerbate. But, in any event, the need for a high degree of information literacy to cope with the technical problems involved is undeniable, even if "solutions" are largely machine-assisted.

Paradigm Shift 2

Government information for the public is increasingly and rapidly being discontinued in ink-on-paper, microforms, and other pre-electronic formats and mediums, and instead is being progressively made more and more available in electronic formats and mediums – especially online utilizing the Internet; there are both upsides and downsides to this initiative; the positive consequence is, of course, that substantially more information can now be made more easily and readily available to a much wider segment of the population; but one negative consequence is the erosion of permanent public availability of government information to the public because electronic information posted online one day can be taken down the next, without warning; another dysfunctional consequence is the erosion of the government's ability to preserve its information holdings in formats and mediums that will remain functional indefinitely, even if the technologies used to create and store the information in the first place obsolesce.

The advent of the Internet has brought with it the concomitant advantage of enabling and encouraging government ministries to increasingly create, store, transfer, make available and accessible their government information products and services in online electronic forms by bringing those products and services up on thousands of ministry Web sites which are directly searchable or searchable through portals such as FirstGov.gov in the United States.

The Web site is inexorably replacing the pre-electronic repositories and depositories of hard copy documents. In the United States, for example, currently, both traditional and electronic federal agency and federal depository libraries, archives, record centers, reading rooms, and information centers exist "side-by-side," but the fraction of a central government's paper-based data, documents, and literature is very rapidly going down while at the same time the fraction of its electronically-based holdings are going up.

This major paradigm shift is presenting enormous challenges to the established information infrastructure for housing and disseminating government information to the public. The roles, authorities, responsibilities, rights, and privileges of the government, commercial information providers, information handling intermediaries and specialists such as librarians, technical information specialists, and museum, archival and records specialists, are all shifting and being redefined in order to cope with the new information environment.

Once again we'll address The Myth, The Reality, and Debunking the Myth.

- **The Myth:** All of a central government's public information holdings are universally available and conveniently accessible on the World Wide Web to everyone—citizens, students, job-seekers, government entitlement seekers, businesses, lower levels of government, or other kinds of individuals or groups,

and they can find, verify the authenticity of the information, and download any or all of it easily, quickly, and free of charge, and remain confident that technologies will always exist to preserve the information in viable and functioning formats and mediums, so there is no longer any need for the government to plan, manage, and control government information, nor is there any need any longer for maintaining and preserving pre-electronic mediums and formats such as ink-on-paper publications or microfiche, so information in those obsolete mediums and formats can be deleted, archived permanently, or destroyed.

- **The Reality:** Only a fraction of a national government's total data, document, and literature holdings are universally available online, and only a fraction of what is available online is easily identifiable, efficiently locatable, economically searchable, and conveniently accessible for viewing or downloading from the Web. Moreover, many citizens do not know where to find the government information they want and need, even if they are computer literate, know how to "call it out," or how to search for and retrieve it. Not all citizens have easy or affordable access to a computer or a telephone they can use. Nor are physically, financially, or otherwise disadvantaged individuals able to find, afford, or efficiently use such equipment, software, and detailed procedures to search for government information because it is often inconveniently formatted, not well customized to the special needs of those individuals lacking necessary adaptive tools, or not understandable because of presentation barriers. Finally, information technologies are obsolescing continually, thus rendering information holdings that were created and are being housed in obsolete technologies vulnerable to preservation requirements.

- **Debunking the Myth:** A careful, comprehensive, and authoritative analysis of just what government information is available on the Net, how it is being searched and retrieved, who is using what kinds of information and for what purposes, and similar considerations, is required. For example, what classes of publications are available in full text form? How much of it is free on government sites and how much is on commercial sites for a fee? A combination of staff calculations of volume and experts roughing out costs could provide some useful estimates. Finally, the concepts of "Permanent Public Availability of government information, and the "Technological Preservation of government Information" must, ideally, be statutorily based, rather than stated as simply "government policy."

Paradigm Shift 3

There appears to be a trend in government to replace a comparatively much more proactive policy to disseminate government information to the public, including reaching out to the public to notify them of what is already, or what is becoming available to them, with relatively much more passive policies that shift the burden of knowing what government information exists, then trying to identify it, then find it, and then access it; the consequences of this shift in the government's stance are far-reaching, especially in terms of exacerbating

what is often called the "Digital Divide" (the division between the information haves and the information have-nots).

It is not surprising that as government ministries come to realize the power and efficiency of the Web by enabling them to publish vastly increased quantities of information on their sites (as opposed to utilizing pre-electronic formats and mediums such as ink-on-paper and microforms) they rather naturally assumed that they had not only, in one fell swoop as it were, satisfied the need to provide *access* to public information, but also simultaneously had *disseminated* it as well! In short, they shifted the costs and burdens of dissemination largely from themselves to the public. This is a complex and difficult policy area, and certainly the debate is not over and will undoubtedly continue.

The policy question is: Does providing electronic access to digital document images constitute dissemination within the meaning of the various national laws that provide for a government ministry to dissemination certain of its information holdings to the public? There are arguments on both sides. Certainly, the government agencies have a strong argument that they should not have to duplicate electronic accessibility with hard copy dissemination of the same information—that is absurd. But, at the same time, there is a gray policy area in the middle. Dissemination in the pre-electronic era carried with it the idea that an agency would make a special effort to ensure that their public information products did, indeed, reach their intended audiences, both general and special. This was accomplished through the extensive use of distribution and mailing lists that were kept current.

But in the electronic era, the use of distribution and mailing lists clearly defeats the purpose of broadcasting the availability of and accessibility to the information electronically, utilizing the vehicle of the Web site. And the possible use of "cookies" as a device for verifying whether or not a certain information product did or did not reach its intended audiences is in many cases at least controversial if not downright illegal and unethical. The one exception to this might be where the government ministry intends that its public information be available to all sectors of society, without regard to special, targeted sub-populations (e.g. the disadvantaged). But it is an arguable proposition that all ministry public information should be disseminated to all sectors of society. It certainly never was in the pre-Internet era. Has the mere fact that it can be in the Internet era changed that?

Now The Myth, The Reality, and Debunking the Myth.

- **The Myth:** Providing access to public information in electronic form on ministry Web sites removes the obligation of government agencies to ensure that the information which they have posted to their Web sites has, indeed, reached its intended audiences. Information dissemination, in short, is a passé concept that has been completely supplanted by electronic information access in the Internet era.

- **The Reality:** Providing access to public information in electronic form on government ministry Web sites does not remove the obligation of government agencies to ensure that the information they have posted does reach its intended audiences, especially in instances where the sub-population(s) to be reached are

disadvantaged in some respect. The broadest definition of "disadvantaged" includes minorities, senior citizens, school age children, the physically and emotionally disabled, the economically disadvantaged, and the computer and information illiterate. It also includes citizens living in often-remote tribal areas and in relatively inaccessible rural areas, remote from normal infrastructure services usually provided mainly to urban populations such as electricity, telephones, sewage disposal, and so forth.

- **Debunking the Myth:** Governments must rethink their public information dissemination posture in the Internet era, taking into account the disappearance or downgrading of the use of distribution and mailing lists, and other tools and techniques, for ensuring that information disseminated to the public did, indeed, reach the targeted audience(s).

2. THE ISSUES FRAMED IN LEGAL AND PARLIAMENTARY TERMS

Let me now turn to a discussion of the central issues we've been discussing, but framed primarily in *legal or parliamentary terms rather than in general, laymen terms.*

Perhaps as much in the spirit of trying to make the discussion more interesting than for traditional scholarly reasons, I am drawing substantially from a friendly debate which I've recently had with a colleague, Dean Emeritus Robert M. Hayes, a distinguished American educator, librarian, and constitutional scholar, Dean Emeritus of the School of Library and Information Studies at the University of California at Los Angeles (UCLA). His views, and the views of the author, were articulated in an exchange of messages in 2001.

Hayes and I both take what I consider to be a fairly common, "populist position" (at least in the United States and much of the western world) on many of the central legal and parliamentary issues and questions that are raised by this paper. But we also differ in some significant respects. My thought was that utilizing a "public debate" kind of format would be more interesting and provocative in helping to define the core issues than otherwise would have been the case had I adopted the more traditional, straightforward sort of expository narrative.

For example, Hayes and I both agree that information is indeed a strategic resource of immense strategic, tactical, and operational importance, whether it is governmental information or not. Government information is of value in long-term planning in governmental decision-making, in industry and commerce, and whether used by the public or the private sectors, or whether used by individuals, institutions, or organizations. As a resource, it is of value both in itself and in effective allocation of other resources, such as financial resources, material and equipment resources, capital, natural resources, and human resources. In short, government information is essential in making day-to-day operating decisions in every element of society, and at all levels. We dealt with all of this in the preceding section.

Also, Hayes strongly believes, as I do, that *citizens have a right to the information which government holds on their behalf as its custodian*. In short, the people of a country own its government's information, not the government itself, constrained only by explicit laws, contracts, treaties, and other binding legal agreements in a limited number of quite specific case areas, including the conduct of foreign policy, military secrets, business confidentiality, personal privacy, intellectual property rights, and a few others. Here we are entering the realm of legal and parliamentary questions.

To start with, Hayes and I differ considerably on how far one should go in providing for a highly proactive, statutorily driven role requiring the government to disseminate information to the public. This author contends that governments, by their very nature, tend to be far too conservative in releasing information to the public. By contrast, Hayes raises the spectre of a much too liberal government "gone wild" trying to justify everything it has done, is doing, or is planning to do, by overwhelming the public with self-serving information that, in his view, is only a shade above propaganda and disinformation, not to mention adding to the taxpayer burden tremendously.

But before getting into these details and contrasting viewpoints, we must first consider three very basic legal and parliamentary questions in order to provide the proper context for the following discussion:

1. First, what is the role of, and what are the legitimate objectives of government information in a society?
2. Second, what is the role of, and what are the objectives of the copyright laws pertaining to government information?
3. Third, what is the role of, and what are the objectives of affording wide public access to unrestricted government information?

2.1 The Uses of Government Information

There are five main uses for government information:

1. to document for public accountability purposes how government conducts its business;
2. to inform public policy-makers and program managers so that they can do their job better;
3. to inform the general public so that it can do a wide variety of things with the information, such as apply for benefits for which they are entitled under the nation's laws, comply with various laws, obtain permits, and so forth;
4. to provide citizens with an independent, unmediated way to know what the government is doing, beyond reliance on the popular media, scholarly journals, and trade magazines, and which the public is paying for with its taxpayer dollars; and
5. to provide the internal information necessary for conduct of an agency's responsibility.

There are at three principal ways government information is collected and produced. Governments may:

1. produce the information they ultimately "consume" themselves, "in-house";
2. collect the information they need from the public at large, oftentimes free of charge, or sometimes for a nominal fee, using statistical surveys, reporting systems, record keeping systems, and so forth;
3. request for free, or contract for a fee with the private sector (both in-country and foreign) to produce the information resources they require, such as the undertaking of research, studies and investigations, opinion polls, surveys of all kinds, the production of specialized statistical data, and so forth.

Expanding on the first list, the list of five uses for government information, the five uses can be simplified and combined into three quite different objectives:

The first objective is for *the conduct and management of governmental responsibilities*. That objective is primarily achieved through uses 1, 2, and 5 above.

The second objective is for *openness and accountability to the nation's citizens*; that is achieved through uses 1 and 4 above.

The third objective is to *support private interests, often commercial,* that might be served through use of government information. That is achieved through 3 above.

Let's examine each of these three objectives in more detail.

1. The Conduct & Management of Governmental Responsibilities

The first objective is the most fundamental since it is inherent in the conduct of government and would be necessary even if a country were not an open, accountable democracy. That is, in order simply to operate, government needs information. That is achieved through use 5.

To obtain such information for the conduct and manage of its responsibilities, meaning primarily the discharge of its functions, the operation of its programs, and the planning, design, development, testing, and evaluation of its projects, governments either produce the information in-house, or they turn to external sources. Outside of government, they are a phalanx of private sector contractors prepared to do business with government for that purpose. Some are scholarly in their pursuits, others less scientific in their approach, but still quite capable of obtain the information required.

Both quantitative and qualitative information is needed. Statistical data is collected by governments in large quantities, and equal amounts are produced in-house. Also, there are all kinds of evaluations, assessments, inspections, audits, reviews, and other

kinds of less quantitative and objective, and perhaps relatively more judgmental and subjective, that are undertaken, again, in large quantities, and with great regularity.

Occasionally governments ask for too much information, or information which many consider to be too intrusive, too personal, and unnecessary for the conduct of its business. When that happens, the general public often refers to such unnecessary information as "paperwork" or "red tape." But what is "good" paperwork and what is "bad" paperwork is often in the eyes of the beholder.

2. Openness & Accountability

The second objective is fundamental to an open, democratic government so, to the extent that democracies are open citizens must demand it. For example, in the United States it is embodied in its Constitution, for example, by requiring that Congress publish it proceedings, and in the First Amendment to the U.S. Constitution.

Various countries have gone beyond their core enabling legal foundations (i.e. their constitutions or organic acts of parliament), by enacting a variety of laws that delineate government's responsibilities with respect to openness and accountability if specific and concrete ways. For example, in the U.S., the Freedom Of Information Act (FOIA), the Privacy Act, the Government in the Sunshine law, and the Administrative Procedure Act all specify government's role vis-à-vis informing its citizens.

Most countries also require that a formal set of proceedings be recorded, and published, on at least the open (public) deliberations in their main parliamentary bodies. But there are two problems with this. The first is that too often the record is amended after the words are spoken. And the second is that much of the most important work of governments is not done "in the sunshine," but, rather, in closed rooms.

3. The Private Use of Public Information

The third objective reflects the fact that information fulfilling the first two objectives can have utility for private purposes. The investment having been made by the government in meeting its responsibilities, there is economic efficiency in making that information available for such purposes. There may also be personal, non-economic values (such as genealogical research might represent).

2.2 The Relationship of Intellectual Property Rights to Government Information

Turning to the second legal and parliamentary issue, intellectual property rights, let us use the U.S. Constitutional basis for copyright as an example, but realizing that the International Copyright Conventions differ in many respects from U.S. copyright laws.

Clause 8 says that "The Congress shall have the power ... to promote the progress of science and the useful arts, by securing for limited times to authors and inventors the exclusive rights to their respective writings and discoveries."

This clause is the foundation for U.S. patent and copyright laws, though it uses neither of those terms. Copyright law traces back to the English Statute of 1710, but the scope of Congressional power is substantially less than the royal prerogatives of that statute.

Anyway, on the surface of it, for the government to claim copyright would imply that the government was motivated by the same kinds of economic incentives as private individuals (or corporations) and that by giving the government "exclusive rights to their respective writings and discoveries" would "promote the progress of science and the useful arts."

2.3 The Proper Role of Government

There is a vital issue here that gets to the heart of the appropriate role of government. Is it interesting to note that in many countries various government reform study groups have argued strongly for the government to replace funding of governmental activities by fees instead of by taxes and thus have such economic incentives.

In any event, in Hayes' view, governments should NOT be motivated by anything even remotely comparable to personal economic incentives. Clearly, he believes strongly, governments must be motivated by national economic objectives, but not as means for funding governmental activities. In that view, then, government copyright becomes almost an oxymoron.

Extending that view, Hayes believes that for a government to grant or to contract out ANY exclusive rights to government information would be equally oxymoronic. But Hayes points out oftentimes governments do precisely that.

2.4 Public Domain vs. Public Access

In our commentary above, we made a distinction between "public domain" and "public access" with the former derived from copyright law and the latter from principles that appear to be the focus of citizen access to government information.

Public access is rooted in the need for citizens (broadly defined to include the media, as well as internal and external auditors, etc.) to have an independent way to know what the government is doing on their behalf, as a "checks and balances" device. Public access is based on the idea that government information is a resource in its own right that everybody needs, whether or not the information happens to document the way the ministry conducts its business.

Public domain, on the other hand, derives from copyright, though NOT from government copyright or lack thereof, except as a specific case. Material may be in public domain for a variety of reasons. It may never have been in copyright; the copyright may have been

abrogated; or the copyright may have expired. Government information may be in the public domain because the government is precluded from having copyright.

Note, however, that some government information may NOT be in public domain because it is under private copyright, which is the problem identified earlier under the heading "Effect on Private Interests"). Given that possibility, which is very real and not hypothetical, public access to such private copyright material embodied in government information may well be restricted. But that in no way makes "public domain" and "public access" synonymous. In sum, the two concepts are quite distinct.

3. CONCLUSIONS

What findings and conclusions can we draw from the preceding discussion? I believe the most significant ones, which apply to virtually all countries in the world, are as follows.

- There is an absence of a clear vision, and overall national public policy leadership, oversight, and accountability focus for the strategic role of, and the operational management of public information resources;
- Educating and training its citizens, even in a limited way, with the basic knowledge and skills needed to find, retrieve, organize, evaluate, and use information (what has been called information literacy in this paper) is not seen around the world as a public policy obligation of government, with the possible exception of a very few (perhaps a half dozen) countries; the special public information needs of disadvantaged and disabled citizens are even more rarely addressed;
- Information literacy must be singled out and elevated to the status of a major national policy and programmatic goal; adequate funds must be appropriated to support public sector information literacy initiatives at the Federal, state and local levels; schools and libraries must play a key role in these initiatives; public and private sector information literacy initiatives must be complementary;
- There is a great deal of unnecessary and wasteful overlap and duplication of government-wide information services and information management missions, roles, and functions that are fragmented, compartmentalized and dispersed all over a country's central government, and that wasteful fragmentation is then repeated at the lower levels of government;
- There is a huge loss of important information, sometimes called by librarians "fugitive" information, because there is no single, authoritative backup (“failsafe”) electronic depository for government information products that ministries often post on their online Web sites one day, but take down and disappear the next day;
- The legal, policy, technical, and administrative barriers to intragovernmental and intergovernmental sharing of government information, and the lack of a national public information infrastructure which can be linked effectively to the lower levels of government public information infrastructures, is hampering exploiting the full benefits of the Internet Age; and
- A serious lack of coordination exists in public information storage, communication and handling policies, programs, standards, guidelines and practices that is

hampering information preservation and storage, communication and interchange between a country's central government and its public users, and the efficient and effective interchange of public information between platforms, systems, and networks because of inadequate locator and other metadata tools and controls.

The Internet provides an unparalleled opportunity to adjust traditional incentives and disincentives with respect to motivating government ministries to maximize rather than minimize their information flows to the public. Governments are now thereby able to reach out to all of their citizens in a far more effective manner, and are motivated to do so, than they ever were in a pre-Internet Age. Not only are the incentives enhanced, but also the disincentives to withhold information are reduced. Moreover, to the extent that individual ministries are successful in disseminating their own information directly, the burdens on central information service agencies, and the costs, are correspondingly reduced, but backup redundancy is still absolutely essential as a safeguard.

4. RECOMMENDATIONS

What does this paper suggest?

1. Every nation should formally declare and affirm that its government information resources that are disclosable to the public are a ***strategic national asset***, and a variety of specific action programs and steps should be undertaken to empower the government, the nation's institutions, and the country's individual citizens to participate in a partnership to bring about that vision and to achieve its expected outcomes, and ultimately to reap the expected benefits.

2. Every nation's chief executive should select a minister or other high level senior official who would serve as the country's champion to advance the vision of treating public information as a strategic national asset, with rights accorded to every citizen, and should be given the necessary authorities and held responsible for the overall planning, coordinating, and implementing of the nation's programs necessary to bring about that affirmation.

3. Every nation's chief executive should direct that each government ministry treat the public information it owns as a citizen-owned, not a government-owned resource, and make readily accessible, and proactively disseminate those public information resources as a primary responsibility of that ministry, not as a secondary or tertiary responsibility.

4. The cost of disseminating public information to a nation's citizens must be considered an essential, integral and direct cost of the government's doing business, not an overhead cost, or an activity that is financed through user fees and similar devices, and should be clearly identified in each ministry's budget, and then consolidated for all ministries in the government's national budget**.**

5. Information literacy must be cast in quite explicit and concrete terms as a major public policy and program, and funds must be earmarked to mount strategic Information literacy initiatives at all levels of government.

6. There is a strong role for academia, the commercial for-profit sector, and the not-for-profit sector in partnering with national governments in planning, developing, testing, and implementing national plans and policies to enable and empower governments to treat their public information resources as national assets in the service of all citizens, business and industry, research and development, and enlightened public policy-making. Public and Private sector information literacy goals and programs must be complementary.

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